Batterer Intervention Programs: State Standards for Service Providers

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INTIMATE PARTNER SEXUAL ASSAULT: ADJUDICATING THIS HIDDEN DIMENSION OF DOMESTIC VIOLENCE CASES

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Currently, more than forty states have developed standards for BIP service providers. Only a handful of these states – Alabama, Colorado, Kansas, Massachusetts, Missouri, Nebraska, Nevada, New Hampshire, Pennsylvania, Rhode Island, and Vermont –require service providers to address the issue of sexual abuse..[1] Even these states demand differing levels of attention to the problem of sexual abuse/assault within the context of domestic violence:

- Kansas and Massachusetts require that program curricula include the "identification, discussion, confrontation and change of abusive and controlling behavior to victims" with "specific attention" paid to sexual abuse[2]

- Nebraska's standards require that program topics follow "a model that depicts an overall system of physical and sexual abuse where the offender uses methods and tactics of power and control over a victim."

- Rhode Island's discussion is largely limited to the ways in which pornography may affect the potential for sexual abuse[3]

- Missouri's standards simply require that curricula for batterer intervention programs "encompass information and components regarding: . . . various forms of abuse – so as not to minimize non-physically abusive behaviors."[4]

Whether state standards are mandatory may determine whether service providers address the issue of intimate partner sexual assault/abuse in practice. Only

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[1] States whose standards simply required service providers to incorporate a definition of domestic violence which includes sexual assault/abuse, or which required programs to simply include sexual assault/abuse as one of the forms of domestic violence were not included in the list of states whose standards address sexual assault/abuse. Only those protocols that appeared to demonstrate a special interest in focusing on sexual assault/abuse in the context of domestic violence are listed as addressing sexual assault/abuse.

[2] *See* BATTERERS INTERVENTION COMMITTEE, KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE, ESSENTIAL ELEMENTS AND STANDARDS OF BATTERER INTERVENTION PROGRAMS IN KANSAS 12 (2001); DEPARTMENT OF PUBLIC HEALTH, THE COMMONWEALTH OF MASSACHUSETTS, MASSACHUSETTS GUIDELINES AND STANDARDS FOR THE CERTIFICATION OF BATTERER INTERVENTION PROGRAMS 9 (1995).

[3] *See* BATTERERS INTERVENTION PROGRAM STANDARDS OVERSIGHT COMMITTEE, BATTERERS INTERVENTION PROGRAM: COMPREHENSIVE STANDARDS 15 (1998).

[4] *See* THE MISSOURI COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE, STANDARDS AND GUIDELINES FOR BATTERER INTERVENTION PROGRAMS: INCLUDING A SELF-EVALUATION TOOL FOR BATTERER INTERVENTION PROGRAMS 7 (2006).

slightly more than half of states' standards are mandatory, either for all providers, those receiving state funding, or those providing services to court-ordered offenders.[5] Even fewer states, however, have standards that are both mandatory and include a requirement that service providers address this issue of sexual abuse.

Some states have developed different Batterer Intervention Program standards for community programs and institutionally based programs, such as those available to incarcerated offenders:

- Iowa standards for community-based programs are mandatory and include a provision requiring program curricula to include a discussion of sexual violence; the standards for institutional programs include no such provision.[6]

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[5] *See* Appendix A. Currently, twenty-four states have standards that are mandatory.
[6] Email from Anne Brown, Iowa Department of Corrections to Heather Parker, Legal Intern, Legal Momentum (June 5, 2007, 06:58 EST) (on file with author).

APPENDIX A

Batterer's Intervention Program (BIP) Standards by State (as of June 2007)

State	Batterer Intervention Program (BIP) Standards?	Protocol Curriculum Addresses Sexual Assault?[7]	Program Standards Mandatory?	Standards Require Sexual Assault Training for Providers?	CODE / STANDARD / PROTOCOL
AL	Y	Y	Y, statute		ALA. CODE § 5-10-3 (2007) "Identification, discussion, confrontation and change of abusive and controlling behavior to victims, including partner and children. All forms of domestic violence shall be identified and challenged. Specific attention to physical, emotional, verbal, mental, intimidation, sexual, and economic abuse, as well as the destruction or damaging of pets or property and other methods of control shall be included." See attached for document.
AK	Y	N	Y, statute		ALASKA ADMIN. CODE tit. 22 § 25.030 (2007)
AZ	Y	N	Y, statute		ARIZ. ADMIN. CODE r. 9.20.1101 (2007)
AR	N				
CA	Y	N[8]	Y, statute		CAL. PENAL CODE § 1203.097(c) (West 2006)
CO	Y	Y	Y, for court-ordered offenders	Y, for new providers 7 hrs - Intimate partner abuse:	"Identify and confront the offender's issues of power and control, including sexual abuse." 5.16(p) http://dcj.state.co.us/odvsom/Domestic_Violence/DV_Pdfs/Standards061207.pdf

[7] Note: Standards which simply required programs to incorporate a definition of domestic violence which includes sexual assault/abuse, or which required programs to simply include sexual assault/abuse as one of the forms of domestic violence were not included as standards that address sexual assault/abuse. Only those protocols that appeared to evince a special interest in focusing on sexual assault/abuse in the context of domestic violence are listed as addressing sexual assault/abuse.

[8] While the state standards enumerated in the California Penal Code do not require that programs directly address this issue of sexual assault/abuse, at least one county has taken the initiative to develop standards which do address this issue. *See* San Diego County (http://www.biscmi.org/other_resources/docs/san_diego.html).

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				includes sexual abuse (including intimate partner rape) 4 hrs - Sexual Abuse as a Control Technique	
CT	N				
DE	Y	N	Y, for court-ordered offender	N	http://dvcc.delaware.gov/documents/intervention_standards.pdf
FL	Y	N	Y, statute	N	FLA. STAT. § 741.32 (2006) http://www.dcf.state.fl.us/domesticviolence/bip/bip_process.pdf
GA	Y	N	Y, statute	N	GA. CODE ANN. § 19-13-14 (West 2007) http://www.dcor.state.ga.us/pdf/FVIPRules.pdf
HA					NO DATA.
ID[9]	Y	N	Y, statute	Y, "Must have documented knowledge of . . . sexual abuse"	IDAHO CODE ANN. § 18-918 (2007) http://www2.state.id.us/crimevictim/grantee/standards/BattererTreatmentProgStds.pdf
IL	Y	N	Y, statute	N	ILL. ADMIN CODE tit. 89 § 501 (2007) (http://www.ilcdvp.org/Male%20Protocol%20Manual.pdf
IN	Y	N	N		http://www.violenceresource.org/bipstand.htm#servic

[9] Idaho facilities are currently piloting a Moral Reconation Therapy Model.

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					e
IA	Y	Y, community-based programs N, institutional programs	Y, for state-run programs		Community-based programs are required to use the Duluth model/curriculum for male offenders.
KS	Y	Y	N	N	"All forms of domestic violence shall be identified and challenged. Specific attention to physical, emotional, verbal, mental, sexual and economic abuse, as well as intimidation and the destruction or damage of pets or property." G (1)(a). http://www.biscmi.org/other_resources/docs/kansas.pdf
KY	Y	N		N	920 KY. ADMIN REGS. 2:020 http://www.lrc.ky.gov/kar/920/002/020.htm
LA	Y	N	N	Y[10]	
ME	Y	N	Y, statute	N	ME. REV. STAT. ANN. tit. 19 § 4014 (2007) ftp://ftp.state.me.us/pub/sos/cec/rcn/apa/03/201/201c015.doc
MD	Y	N	N	N	http://www.oag.state.md.us/Family/OpGuide.pdf
MA	Y	Y	Y, statute		MASS. GEN. LAWS ch. 209A, § 3 (2007) "Curriculum. Identification, confrontation and change of abusive and controlling behaviors to victims including partners and children. All forms of physical

[10] Louisiana requires facilitators to complete "a nationally recognized training program in providing batterer intervention services (e.g., the Duluth Model or EMERGE). Both the Duluth Model and EMERGE devote a large portion of their training programs to the issue of intimate partner sexual assault.

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					abuse and intimidation shall be identified and challenged. Specific attention to emotional, mental, sexual and economic abuse shall be included." 4.2(A) http://www.mass.gov/dph/fch/bi/guidelines.pdf
MI	Y	N	N	N	http://www.michigan.gov/documents/DVBISCStandards_24600_7.pdf
MN	Y	Y		N	http://www.mincava.umn.edu/documents/pwwmwb2/pwwmwb2.html#id2562007
MS	N				NO DATA.
MO	Y	Y/N	N	N	"Curriculum established for a batterer intervention program *must* encompass information and components regarding: . . . Various forms of abuse—so as to not minimize non-physically abusive behaviors." http://www.biscmi.org/other_resources/BIP_Service_Standard_June_2006.pdf
MT	Y	N	Y, statute	N	MONT. CODE ANN. § 45-5-206 (2007) http://data.opi.state.mt.us/bills/1997/mca/45/5/45-5-206.htm
NE	Y	Y	N	N	"Program Curriculum Content. Program topics must follow a model that depicts an overall system of physical and sexual abuse where the offender uses methods and tactics of power and control over a victim." http://www.ndvsac.org/pages/BIPStandards.pdf
NV	Y	Y	Y, statute	N	NEV. REV. STAT. § 228.470; NEV. ADMIN CODE § 228.100 – 228.225 (2007) "Tactics of power and control that include isolation, emotional abuse, economic abuse, sexual abuse,

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					using children, using male privilege, intimidation and covert to overt threats." 7.4.7 http://www.biscmi.org/other_resources/docs/nevada.html
NH	Y	Y	N	Y	"Types of abuse: Identification, confrontation and elimination of abuse and control of victims, partners and children. Types of abuse to be addressed include: . . . (6) Sexual (e.g. aggravated felonious sexual assault [rape], sexual coercion, withholding sex as punishment)". V(B)(1)(a). http://doj.nh.gov/victim/docs/batterer_intervention.pdf
NJ	N				
NM	Y	N	Y, statute, for state - funded programs		N.M. STAT. § 31-12-12 (2007)
NY	N				
NC	Y	N	Y, statute	N	01 N.C. ADMIN. CODE 17.0701 – 17.0718 http://www.doa.state.nc.us/cfw/chpt.pdf
ND	Y	N			http://www.ndcaws.org/projects/batterers.asp
OH	Y	N	Y, court-ordered offenders		
OK	N				NO DATA.
OR	Y	N	Y, statute	Y	OR. REV. STAT. § 180.700; OR. ADMIN. R. 137-087-0000 – 187.007-0100 (2007)

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					http://www.doj.state.or.us/crimev/pdf/sb81bip.pdf
PA	Y[11]	Y	N		
SC	Y	N	Y, court-ordered offenders	N	http://www.state.sc.us/dss/dv/scbt.pdf
SD	N[12]				
RI	Y	Y	Y, statute	N	R.I. GEN. LAWS §§12-29-5 and 12-29-5.1-3 (2007) "The program curriculum shall inform batterers about the relationship between sexual abuse and pornography, and how they affect the potential for abuse." VI (A)(13) http://www.rules.state.ri.us/rules/released/pdf/BIPSOC/BIPSOC_3722.pdf
TN	Y	N	Y, court-ordered offenders	N	TENN COMP. R. & REGS. 0490-1-.01-.09 http://www.state.tn.us/sos/rules/0490/0490-01.pdf
TX	Y	N	Y, for state-funded programs	N	http://www.tcfv.org/pdf/guidelines.pdf
UT	Y	N		N	http://www.biscmi.org/other_resources/docs/utah.html
VT	Y	Y	Y	N	S.J. Res. 272, 1997 Leg. (VT 1997). Two curricula are considered approved program content. These are the "Power and Control: Tactics of Men who Batter" written by Ellen Pence and Michael Paymar and "Supporting a Process of

[11] New standards are being developed, but are still currently in draft form.
[12] South Dakota has no formal, written standards. Instead, programs which receive state funding are "strongly encouraged" to use the Duluth Model.

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					Change for Men who Batter" written by Mark Larson – These two programs advocate the Duluth Model. http://www.biscmi.org/other_resources/Vermont_Signed_BIP_Standards.pdf
VA	Y	N	N[13]	Y[14]	http://www.vabipboard.org/assets/bipstandards.pdf
WA	Y	N	Y, statute	N	WASH. ADMIN. CODE 388-60-0025 (2007) http://apps.leg.wa.gov/WAC/default.aspx?cite=388-60-0245
WA D.C.	Y	Y		N	http://www.csosa.gov/policies/dvip_treatment.pdf
WI	Y	N	Y, state-funded programs	N	http://www.biscmi.org/other_resources/docs/wisconsin_1996.html
WV	Y	N	Y	N	"3.10. A perpetrator intervention class . . . will include . . . the following topics: 3.10.a.1. A model that depicts an overall system of physical and sexual abuse where the perpetrator uses methods and tactics of power and control over a victim."
WY	Y	N	N[15]		

[13] The VT Council on DV is currently working to review and certify all providers within the state. Once this process is complete (hopefully by the end of 2007), court-ordered offenders will be required to attend a certified program; all certified programs will be required to follow the standards.
[14] Virginia's standards require training on the effects of witnessing sexual abuse on children, and the relationship between child abuse (particularly child sexual abuse) and battering, but no specific requirement of training on intimate partner sexual assault.
[15] These standards are not yet mandatory. They were developed by the DOVE Council, appointed by the governor, but have not yet been adopted by any enforcement agency, nor have they been statutorily adopted.